



#### **PATENT**

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
	§	Group Art Unit:
James A. Baum	§	
Amy Jelen Gilmer	§	Examiner:
Anne-Marie Light Mettus	§	
_	§	Atty. Dkt. No.: <b>MECO:2141</b>
Serial No.:	§	11792.0214.DVUS01
	§	
Filed: Concurrently herewith	§	
·	§	
For: COMPOSITIONS ENCODING	§	
LEPIDOPTERN-TOXIC POLYPEPTIDES	§	
AND METHODS OF USE (As amended)	§	

#### INFORMATION DISCLOSURE STATEMENT

### **BOX PATENT APPLICATION**

Commissioner for Patents Washington, D.C. 20231

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants respectfully request that this Information Disclosure Statement be entered and that the references listed on attached Form PTO-1449 be considered by the Examiner and made of record.

In accordance with 37 C.F.R. § 1.97(g), this Information Disclosure Statement is not to

be construed as a representation that a search has been made or that no other possibly material

information, as defined in 37 C.F.R. § 1.56, exists.

The present Information Disclosure Statement is being filed prior to the receipt of a first

Office Action on the merits; and hence, is believed to be timely-filed in accordance with 37

C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Information

Disclosure Statement; however, if any fees should be due, the Commissioner is hereby authorized

to deduct said fees from the Deposit Account No. 01-2508/11792.0214.DVUS01.

The present application is a divisional of U.S. Serial No. 09/337,635, filed June

21, 1999, and is relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with

Rule 37 C.F.R. § 1.98(d), copies of the listed documents are not enclosed as they have been

previously cited by or submitted to the U.S. Patent and Trademark Office in prior applications

U. S. Serial Nos. 09/337,635 or 08/980,071, both of which are relied upon for an earlier filing

date under 35 U.S.C.§120.

Respectfully submitted,

Patricia A. Kammerer

Reg. No. Reg. No. 29,775

Attorney for Assignee

MONSANTO TECHNOLOGY LLC

Date:

October 5 ,2001

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Form PTO-1449 (modified)	Atty. Docket No. MECO214/KAM	Serial No.	010
List of Patents and Publications for Applicant's	Applicant		175
Information Disclosure Statement	James A. Baum, Amy Jele Anne-Marie Light Mettus		9 U.S
	Filing Date:	Group:	097
(Use several sheets if necessary)	Concurrently Herewith		<u></u> _

U.S. Patent Documents	Foreign Patent Documents	Other Art
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### **U.S. Patent Documents**

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	<b>A</b> 1	4,448,885	05/15/84	Schnepf et al.	435	253	
	A2	4,467,036	08/21/84	Schnepf et al.	435	317	
	A3	4,766,203	08/23/88	Krieg et al.	530	370	
	A4	4,797,279	01/10/89	Karamata et al.	424	93	
	A5	4,910,016	03/20/90	Gaertner et al.	424	93	
	A6	5,024,837	06/18/91	Donovan et al.	424	93	
	A7	5,126,133	06/30/92	Payne et al.	424	93	
	A8	5,188,960	02/23/93	Payne et al.	435	252.3	
	A9	5,322,687	06/21/94	Donovan et al.	424	93	
	A10	5,441,884	08/15/95	Baum	435	252.31	
	A11	5,500,365	03/19/96	Fischhoff et al.	435	240.4	
	A15	5,567,600	10/22/96	Adang et al.	536	23.71	
	A14	5,567,862	10/22/96	Adang et al.	800	205	
	A13	5,573,766	11/12/96	Blenk et al.	424	93.461	
	A12	5,589,382	12/31/96	Payne et al.	435	252.5	
	A11	5,659,123	08/19/97	Van Rie et al.	800	205	
	A12	6,033,874	03/07/00	Baum et al.	435	69.1	

### **Foreign Patent Documents**

Exam. Init.	Ref. Des.	Document Number	Date	Country	Clas s	Sub Class	Translation Yes/No
	B1	WO88/09812	12/15/88	PCT			Abstract
	B2	WO91/16433	10/31/91	PCT			Yes

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	В3	WO93/03154	02/18/93	PCT			Yes
	B4	WO95/02058	01/19/95	PCT			Yes
	B5	WO95/06730	03/09/95	PCT			
	В6	0295156B1	12/14/88	Europe			Abstract
	В7	EP 0408403	01/16/91	Europe			
	В8	EP 0405810	01/02/91	Europe			
	В9	EP 0193259	03/09/86	Europe			

## Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	Almond and Dean, "Suppression of Protein Structure Destabilizing Mutations in <i>Bacillus thuringiensis</i> Delta Endotoxins by Second Site Mutations," <i>Biochemistry</i> , 32:1040-1046, 1993.
	C2	Angsuthanasombat <i>et al.</i> , "Effects on Toxicity of Eliminating a Cleavage Site in a Predicted Interhelical Loop in <i>Bacillus thuringiensis</i> CryIVB δ-Endotoxin," <i>FEMS Microbiol. Lett.</i> , 111:255-262, 1993.
	C3	Aronson et al., "Mutagenesis of Specificity and Toxicity Regions of a Bacillus thuringiensis Protoxin Gene," Journal of Bacteriology, 177(14):4059-4065, July 1995.
	C4	Baum, "TnpI Recombinase: Identification of Sites within Tn5401 Required for TnpI Binding and Site-Specific Recombination," <i>Journal of Bacteriology</i> , 177(14):4036-4042, July 1995.
	C5	Baum et al., "Novel Cloning Vectors for Bacillus thuringiensis," Applied and Environmental Microbiology, 56(11):3420-3428, November 1990.
	C6	Caramori et al., "In vivo Generation of Hybrids Between Two Bacillus thuringiensis Insect-Toxin-Encoding Genes," Gene, 98:37-44, 1991.

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	C7	Chambers et al., "Isolation and Characterization of a Novel Insecticidal Crystal Protein Gene from Bacillus thuringiensis subsp. Aizawai," Journal of Bacteriology, 173(13):3966-3976, July 1991.
	C8	Chen et al., "Site-directed Mutations in a Highly Conserved Region of Bacillus thuringiensis Delta-endotoxin Affect Inhibition of Short-circuit Current Across Bombyx mori Midguts," Proc. Natl. Acad. Sci., 90:9041-9045, October 1993.
***	C9	Chen et al., "Mutations in Domain I of Bacillus thuringiensis δ-Endotoxin CryIAb Reduce the Irreversible Binding of Toxin to Manduca sexta Brush Border Membrane Vesicles," J. Biol. Chem., 270(11):6412-6419, March 1995.
į	C10	De Maagd et al., "Domain III Substitution in Bacillus thuringiensis Dekta-Endotoxin CryIA(b) Results in Superior Toxicity for Spodoptera exigua and Altered Membrane Protein Recognition," Applied and Environmental Microbiology, 62(5):1537-1543, May 1996.
	C11	Donovan et al., "Amiono Acid Sequence and Entomocidal Activity of the P2 Crystal Protein," J. Biol. Chem., 263(1):561-567, January 1988.
	C12	English and Slatin, "Mode of Action of Delta-Endotoxins from <i>Bacillus thuringiensis</i> : A Comparison with Other Bacterial Toxins," <i>Insect Biochem. Molec. Biol.</i> , 22(1):1-7, 1992.
:	C13	Gazit and Shai, "Structural and Functional Characterization of the α5 Segment of <i>Bacillus thuringiensis</i> δ-Endotoxin," <i>Biochemistry</i> , 32(13):3429-3436, 1993.
	C14	Gazit and Shai, "The Assembly and Organization of the α5 and α7 Helices from the Poreforming Domain of <i>Bacillus thuringiensis</i> δ-Endotoxin," <i>J. Biol. Chem.</i> , 270(6):2571-2578, February 1995.
	C15	Ge et al., "Functinal Domains of <i>Bacillus thuringiensis</i> Insecticidal Crystal Proteins," <i>J. Biol. Chem.</i> , 266(27):17954-17958, September 1991.
	C16	Grochulski et al., "Bacillus thuringiensis CryIA(a) Insecticidal Toxin: Crystal Structure and Channel Formation," J. Mol. Biol., 254:447-464, 1995.
	C17	Hofte and Whiteley, "Insecticidal Crystal Proteins of <i>Bacillus thuringiensis</i> ," <i>Microbioligical Review</i> , 53(2):242-255, June 1989.

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	C18	Hofte et al., "Structural and functional analysis of a cloned delta endotoxin of Bacillus thuringiensis berliner 1715," Eur. J. Biochem., 161:273-280, 1986.
	C19	Honée et al., "Nucleotide sequence of crystal isolated from B.thuringiensis subspecies entomocidus 60.5 coding for a toxin highly active against Spodoptera species," Nucleic Acids Research, 16(13):6240, 1988.
!	C20	Krieg et al., "Bacillus thuringiensis var. Tenebrionis: ein neuer, gegenüber Larven von Coleopteren wirksamer Pathotyp," Z. ang. Ent., 96:500-508, 1983.
	C21	Kwak et al., "Exploration of Receptor Binding of Bacillus thuringiensis Toxins," Mem Inst. Oswaldo, 90(1):75-79, January/February 1995.
	C22	Lambert et al., "A Bacillus thuringiensis Insecticidal Crystal Protein with a High Activity against Members of the Family Noctuidae," Applied and Environmental Microbiology, 62(1):80-86, January 1996.
	C23	Lee et al., "Location of a Bombyx mori Receptor Binding Region on a Bacillus thuringiensis δ-Endotoxin," J. Biol. Chem., 267(5):3115-3121, February 1992.
	C24	Lee et al., "Domain III Exchanges of Bacillus thuringiensis CryIA Toxins Affect Binding to Different Gypsy Moth Midgut Receptors," Biochemical And Biophysical Research Communications, 216(1):306-312, November 1995.
!	C25	Lu et al., "Identification of Amino Acid Residues of Bacillus thuringiensis δ-Endotoxin CryIAa Associated with Membrane Binding and Toxicity to Bombyx mori," J. of Bacteriology, 176(17):5554-5559, September 1994.
	C26	Mettus and Macaluso, "Expression of <i>Bacillus thuringiensis</i> δ-Endotoxin Genes during Vegetative Growth," <i>Applied and Environmental Microbiology</i> , 56(4):1128-1134, April 1990.
	C27	Rajamohan et al., "Single Amino Acid Changes in Domain II of Bacillus thuringiensis CryIAb &-Endotoxin Affect Irreversible Binding to Manduca sexta Midgut Membrane Vesicles," J. of Bacteriology, 177(9):2276-2282, May 1995.
	C28	Rajamohan et al., "Role of Domain II, Loop 2 Residues of Bacillus thuringiensis CrylAb δ- Endotoxin in Reversible and Irreversible Binding to Manduca sexta and Heliothis virescens," J. of Biological Chemistry, 271(5):2390-2396, February 1996.

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	C29	Sanchis et al., "Multiplicity of δ-endotoxin genes with different insecticidal specificities in Bacillus thuringiensis aizawai 7.29," Molecular Microbiology, 2(3):393-404, 1988.
	C30	Sanchis et al., "Nucleotide sequence and analysis of the N-terminal coding region of the Spodoptera-active δ-endotoxin gene of Bacillus thuringiensis aizawai 7.29," Molecular Microbiology, 3(2):229-238, 1989.
	C31	Smedley and Ellar, "Mutagenesis of three surface-exposed loops of a <i>Bacillus thuringiensis</i> insecticidal toxin reveals residues important for toxicity, receptor recognition and possibly membrane insertion," <i>Microbiology</i> , 142:1617-1624, 1996.
	C32	Smith et al., "Mosquitocidal Activity of the CryIC δ-Endotoxin from Bacillus thuringiensis subsp. aizawai, "Applied and Environmental Microbiology, 62(2):680-684, February 1996.
	C33	Smith and Ellar, "Mutagenesis of two surface-exposed loops of the <i>Bacillus thuringiensis</i> CryIC δ-endotoxin affects insecticidal specificity," <i>Biochem. J.</i> , 302:611-616, 1994.
	C34	von Tersch et al., "Membrane-Permeabilizing Activities of Bacillus thuringiensis, Coleopteran-Active Toxin CryIIIB2 and CryIIIB2 Domain I Peptide," Applied and Environmental Microbiology, 60(10):3711-3717, October 1994.
	C35	Wolfersberger et al., "Site-Directed Mutations in the Third Domain of Bacillus thuringiensis δ-Endotoxin CryIAa Affect Its Ability to Increase the Permeability of Bombyx mori Midgut Brush Border Membrane Vesicles," Applied and Environmental Microbiology, 62(1):279-282, January 1996.
	C36	Wu and Aronson, "Localized Mutagenesis Defines Regions of the <i>Bacillus thuringiensis</i> δ-Endotoxin Involved in Toxicity and Specificity," <i>J. of Biol. Chem.</i> , 267(4):2311-2317, February 1992.
	C37	Wu and Dean, "Functional Significance of Loops in The Receptor Binding Domain of <i>Bacillus thuringiensis</i> CryIIIA δ-Endotoxin," <i>J. Mol. Biol.</i> , 255:628-640, 1996.
	C38	Dean et al., "Probing the mechanism of action of Bacillus thuringiensis insecticidal proteins by site-directed mutagenesis - a minireview," Gene, 179:111-117, 1996.
	C39	International Search Report dated April 21, 1998 (PCT/US97/22181)(MECO:206P).

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	C40	Nakamura et al., "Insecticidal activity and processing in larval gut juices of genetically engineered 130-kDa proteins of Bacillus thuringiensis subsp. aizawai," Biosci. Biotech. Biochem., 56(1):1-7, 1992.		
	C41	Kalman et al., "Cloning of a novel CryIC-type gene from a strain of Bacillus thuringiensis subsp. galleriae," Applied and Environmental Microbiology, 59(4):1131-1137, 1993.		
	C42	Li et al., "Crystal structure of insecticidal δ-endotoxin from Bacillus thuringiensis at 2.5 Å resolution," Nature, 353:815-821, 1991.		
	C43	Schnepf and Whiteley, "Cloning and expression of the <i>Bacillus thuringiensis</i> crystal protein gene in <i>Escherichia coli</i> ," <i>Proc. Natl. Acad. Sci. USA</i> , 78(5):2893-2897, 1981.		
	C44	Schnepf et al., "The amino acid sequence of a crystal protein from Bacillus thruingiensis deduced from the DNA base sequence," J. Biol. Chem., 260(10):6264-6272, 1985.		
	C45	Walters et al., "Ion channel activity of n-terminal fragments from CryIA(c) delta-endotoxin," Biochem. Biophy. Res. Comm., 196(2):921-926, 1993.		

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